

**TOWN MANAGER**  
Ken Deal

**TOWN CLERK**  
Pamela Mills

**TOWN ATTORNEY**  
Tom Brooke



**MAYOR**  
Lee Withers

**TOWN COUNCIL**  
Arthur Heggins  
Brandon Linn  
Rodney Phillips  
Charles Seaford  
Steve Stroud

## **CHINA GROVE PLANNING BOARD MEETING**

### **Minutes of Regular Meeting**

### **Thursday, September 13, 2018**

The China Grove Planning Board met on Thursday, September 13, 2018 at 7:00 PM at the China Grove Town Hall, 333 North Main Street, China Grove, North Carolina.

**Planning Board Members Present:** David Morton, Chairman  
Butch Bivens, Vice Chairman  
Jason Higgins  
Jason Hinson  
Natalie Morgan  
Brie Bivens-Hager

**Planning Board Members Absent:** Rodney Phillips

**Staff Present:** Pamela Mills, Town Clerk  
Franklin Gover, Assistant Town Manager

**Visitors:** James Whitley  
Cathey Whitley

### **Roll Call and Recognition of Quorum**

Chairman Morton called the meeting to order at 7:00 PM. The presence of a quorum was recognized at that time.

### **Approval/ Corrections of Minutes**

Mr. Hinson made the motion to approve the July 12<sup>th</sup>, 2018 minutes. Mr. Bivens seconded the motion, which carried unanimously.

Mr. Gover amended the agenda to change the date of the October meeting. Mr. Higgins made the motion to adopt the agenda. Mr. Bivens seconded the motion, which carried unanimously.

### **Meeting Schedule Amendment**

Mr. Bivens made the motion to change the October Planning Board meeting to October 18<sup>th</sup>, 2018. Mr. Hinson seconded the motion, which carried unanimously.

### **Economic Development Assessment Review**

Franklin Gover stated the North Carolina Department of Commerce held an Economic Assessment last week here at Town Hall. He stated representative from the Town Council, Planning Board, Elected Officials, and several businesses owners were here to participate in the workshop. He stated we should

receive in the next couple of days some recommendations on Land Use changes and Policy changes to help the Town grow and move forward.

### **2018-CUP-01**

Mr. Gover stated this is a rehearing from February. He stated the applicant, James Whitley is requesting a Conditional Use Permit to allow for used auto sales, SIC 5521, in a Highway Business District. He stated the subject parcels are located along S US Hwy 29 and has a history of various auto related businesses but no conditional use permits have been issued. He stated the initial lubrication shop was permitted in 2003. He stated the property owner stated that no regular car sales have occurred on these sites since 2009. He stated Hardin Drive is a 40-foot private right of way which separates the proposed display area from the office and service areas. He stated no required parking can be placed in the right of way. He stated a 200-foot Duke Energy right of way nearly covers the entire parcels 129A098 and 129A047. He stated parcel 129A056 has two existing structures which have been expanded over time starting around February 2017. He stated there are two metal carports that have been added to the Lube Shop building that are in violation.

Chairman Morton asked if any permits have been issued on the 129A056 parcel. Mr. Gover stated a permit was issued in 2003 that was the start of the Lube Shop building. He stated in 2004 there was a permit issued for a pole building but there is no site plan to verify what the building is. He stated in 2006 there was a permit issued that refers back to the 2004 permit which expired. He stated between 2006 and 2009 the building located behind the module building to the right of the Lube Shop shows up on the map. He stated with measuring the dimensions this building seems to be the 2006 permitted building.

Mrs. Morgan asked if there are any permits for the metal carports added to the Lube Shop. Mr. Gover stated no permits were issued and these additions are recent. He showed an aerial view of the properties to the board.

Mr. Gover stated section 7.1 of the UDO states change of use or expansion of an existing building or expansion of existing parking area triggers the landscaping requirement. He stated this request does not trigger the requirement of landscaping. He stated section 8.1 states new development, expansion of existing development triggers parking requirements. He stated the permitted expansion is around 1200 square feet and requires four parking spaces which there is room for. He stated section 12.7 states any expansion of an existing use which is deficient in landscaping or any change in principal use cannot occur without the required screening having first been provided on-site. He stated the section also states expansions to the parking area which increase the total area more than 20 percent shall be required to comply with all applicable parking area landscaping and screening.

Chairman Morton asked if his findings are based on the thinking this request is not an expansion of use. He stated the building is being used as a Lube Shop so the option to have auto sales would not be considered a change of use.

Mr. Hinson stated according to the site plan it states the building will be a sales office. He stated parking spaces 1 and 2 are within the right of way of Hardin Drive. He asked where could this space be moved too. He asked are the two buildings that are not permitted considered a non-expansion even though it was a recent addition. Mr. Gover stated if the applicant came in and asked for these two buildings they would not be allowed, they do not meet our guidelines. He stated that violation would have to be remedied before the CUP can be issued.

Mr. Gover stated the site plan accompanies the CUP and the board has the ability to recommend reasonable conditions to the Town Council. He stated that can include landscaping requirements,

requirements to clear up the violations, requirements to have a more accurate site plan. He stated the site plan needs to comply with the Ordinance.

Chairman Morton opened the courtesy hearing.

James Whitley – 260 China Grove Road

He stated he feels his rights are being violated. He stated the business Whitley Auto Sales Inc. started in 1986, the name has never change nor has the doors ever close. He stated Inspections Express which is in the modular building to the right of the Lube Shop is doing business under Whitley Auto Sales. He stated this has been a long process and he has come into compliance with violations that he has had. He stated the unpermitted buildings are a portable shed and temporary carport.

Chairman Morton stated the building that is a Lube Shop shows as a sales office on the site plan. He asked if the building will remain a Lube Shop or will it change to the sales office. Mr. Whitley stated his intent is to have the Lube Shop with an area for a sales office.

Mr. Hinson thanked Mr. Whitley for coming in and stated the board does want businesses in town. He asked do you have to have an Auto Dealer License to have an auto sales business. Mr. Whitley you can sale five cars a year without a dealer's license, anything over five cars you need a license.

Mr. Hinson asked if the Lube Shop is currently in operation. Mr. Whitley stated it is in current operation.

Chairman Morton asked what the shed and carport are being used for. Mr. Whitley stated the shed is being use to shield the auto mechanics from the weather while looking at automobiles and the carport is being used as storage for used tires.

Cathey Whitley – 145 Hardin Drive

She stated she is concerned about traffic coming through the driveway since she resides behind the business. She stated she would like the business to stay on the Hwy and not affect her residential area.

Chairman Morton closed the courtesy hearing.

Chairman Morton asked when was the last time cars were sold on site in a license dealership fashion. He asked when did his Dealership License expire. Mr. Whitley stated his Dealership License was based on his Main Street location and he gave up that property in 2003. He stated his License was not active on the Hwy business parcel. He stated he did not renew is Dealership License in 2009 when it expired.

Mr. Hinson asked other then the three violation that we have what other violations are going on or have gone on. Mr. Gover stated there was a nuisance case with tires behind the building and a mulch yard which both violation cases have been cleared up. He stated the two violations right now are the shed and carport.

Mr. Hinson asked if the TRC would be looking at this again. Mr. Gover stated it special recommendations are made then it would have to go back to the TRC.

Mr. Hinson asked what the physical address is for the Lube Shop. Mr. Whitley stated 1615 Hwy 29 S.

Chairman Morton stated he is not convinced that 7.1 of the UDO has not been triggered due to expanding the use of the building by adding the auto sale office to the Lube Shop building. He stated the site plan is not to scale and is missing some key components. He stated with this being the record of what the board is to approve he feels the site plan needs to be more accurate.

Chairman Morton stated there are architectural requirements that have been in place since 2006 and the shed and the carport are in violation of these requirements. He stated the CUP will not allow for the shed and carport to stay since they are non-conforming.

Mr. Gover asked if two Planning Board members could meet with Mr. Whitley to take a look at the site plan. Mrs. Morgan and Chairman Morton stated they are available.

Mr. Higgins made a motion to recommend that hold open 2018-CUP-01 and send back to TRC for further review of the site plan regarding the triggering the landscaping requirement in section 7.1 of the UDO by expansion of building. He stated the two buildings need to be brought into compliance, the parcel lines, right of way lines, and parking lines need to be defined more accurately. Mrs. Bivens-Hager seconded the motion, which was carried unanimously.

### **Other Business**

a. Rezone South-end

Mr. Gover stated we need to take a look at changing the zoning to encourage redevelopment. He stated one of the problems that exist is the setbacks do not match on the existing buildings. He stated it makes it difficult in redevelopment of the properties. He stated the town is coming into ownership of a property on the South end and in order to develop the property the setbacks will need to be changed.

Chairman Morton stated with losing the intersection at Thom Street it will be a challenge. Mr. Gover stated the uses should be Central Business uses and not Highway Business.

Chairman Morton stated there are no requirements for parking in the CB district and this is concerning. He stated there is opportunity for on street parking. Mr. Gover stated NCDOT will be shifting the center line to allow for on street parking on the East side.

b. Chairman Morton stated he was approached by an individual about splitting a parcel twice to build two smaller houses on the property. He stated our ordinance does not allows this the way it is write unless they had access to a public road. He stated this parcel is in the ETJ and does not have access to a public road.

Mr. Hinson asked what the total acreage was. Mr. Gover stated it is three parcels and around five acres. He stated anytime a parcel is split it is considered a subdivision. He stated the number one thing is access to the properties. He stated there is a private road in front of the property that consist of gravel and some asphalt areas. He stated a text amendment would be needed to allow a subdivision off of a private road or have the private road improved up to the standards of NCDOT.

### **Adjourn**

Mrs. Bivens-Hager made the motion to adjourn. Mr. Higgins seconded the motion, which was carried unanimously.

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David Morton  
Chairman

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Pamela L. Mills, CMC  
Town Clerk